



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 29 2014

RETURN RECEIPT REQUESTED

Certified Mail#: 7004-1160-0002-3622-9698

In Reply Refer to:

EPA File No.: 18R-13-R4

J.T. Bullock, Manager
Hoke Correctional Institution
243 Old Highway 211
Raeford, North Carolina 28376-4020

Re: REJECTION and REFERRAL of ADMINISTRATIVE COMPLAINT

Dear Mr. Bullock:

On October 18, 2013, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received a complaint. The complaint alleged that inmates at the Hoke Correctional Institution were being subjected to raw sewage leaking from the ceiling in F Block, a kitchen that is infested with cockroaches and mice, and asbestos in the South Unit that should have been removed but has merely been painted over with black paint.

Pursuant to the EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate Agency (*see* 40 C.F.R. § 7.120(d) (1)). For a complaint to be accepted for investigation, it must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing (*see* 40 C.F.R. § 7.120(b) (1)). Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act (*see* 40 C.F.R. § 7.120(b) (2)). Finally, the complaint must be filed against an applicant for, or a recipient of, the EPA's assistance that allegedly committed the discriminatory act (*see* 40 C.F.R. § 7.15). For your reference, we have enclosed a copy of the EPA's nondiscrimination regulations.

The Hoke Correctional Institution is not an applicant for or a recipient of the EPA's assistance. And, the subject complaint did not describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations. Since the complaint did not describe

discrimination by an applicant for, or recipient of, the EPA's assistance, it does not fall within the jurisdiction of the EPA. After careful review, the EPA must reject the complaint for investigation. (See 40 C.F.R. § 7.15).

Because the Department of Justice may have subject-matter expertise over the allegations in the subject complaint, it is being referred to the Department of Justice to review and investigate as deemed appropriate. For future information regarding this complaint, please contact Michael Alston, Director, Office of Civil Rights Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, N.W. Washington, D.C. 20531-3718.

If you have any questions regarding this letter, please contact Samuel Peterson at (202) 564-5393 or by mail at the U.S. EPA Office of Civil Rights (MC 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,


Velveta Golightly-Howell
Director

Enclosure

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office, EPA
(MC 2399A)

Ken LaPierre
Deputy Civil Rights Official
U.S. EPA Region IV
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(MC 9T25)

Michael Alston, Director
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Office of Justice Programs
U.S. Department of Justice
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